IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.6502 of 2005

Between:

T. Seethapathi S/o. Sri T. Adiseshaiah
Aged about 47 years,
R/o. H.No. 1-36-11, 2nd lane, Maruthinagar,
Guntur.

..... PETITIONER

AND

1 The District Judge, Guntur.
2 The Inquiry Authority-Cum-IV Additional District Judge, Guntur.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue any writ, order or direction, particularly one in the nature of Mandamus declaring the action of the respondents in proceeding with the Enquiry in connection with Charge Sheet dt. 15-6-2004 without causing supply of the records as requested through my representation dt. 17-2-2005 and 28-2-2005 which are made the basis for Charge Memo and which are required for the purpose of defence as arbitrary,

illegal and contrary to law laid down by the Hon'ble Supreme Court and consequently direct the respondents to hold the enquiry strictly in consonance with the principles of natural justice by supplying all records and by giving me reasonable opportunity of defence and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondents : Sri C.V.Nagarjuna Reddy,

The Court made the following :

W.P.No.6502 of 2005

HCJ & BSSR,J

ORAL ORDER: (Per Hon'ble the Chief Justice)

In the Departmental Enquiry No.2 and Enquiry No.4, the charge-sheet dated 15th June, 2004 was served upon the petitioner and he was called upon to file written

statement. From the record, it appears that on 9th July, 2004, the petitioner prayed the District Judge, Guntur, to provide requisite material for proceeding further in the matter and when it was not supplied by the District Judge, the request was reiterated by further representations dated 11th July, 2004, 23rd August, 2004 and 16th October, 2004 in which the petitioner pointed out that he intends to file written statement, but the same cannot be done in the absence of supply of documents, which are not only relevant but also essential to defend himself and that he intends to engage an Advocate for the same purpose. Without considering the request of the petitioner and without communicating any decision on his representations, it appears that an Enquiry Officer has been appointed and the disciplinary proceedings against the petitioner are going on. That is how the petitioner approached this Court by filing the writ petition seeking necessary directions.

We have heard learned standing counsel for respondents. Instead of postponing the decision of respondents by calling for the record, we rely upon the material produced by the petitioner with this petition and direct the respondents to consider the petitioner's various representations and make available the record to him within a period of two weeks from the date of receipt of this order from the Court, and allow the petitioner two weeks further time to file written statement, and after receipt thereof, to proceed further in the enquiry in accordance with law. The enquiry shall be completed as expeditiously as possible strictly in accordance with law and the procedure laid down.

The writ petition stands disposed of.

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DEVINDER GUPTA, C.J.

_____

B.SESHASAYANA REDDY, J

01-04-2005

bsc

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Judge, Guntur.
2 The Inquiry Authority-Cum-IV Additional District Judge, Guntur.

3. 2 CD copies

*Form-NIC-OGS/WP{**VSMI**}*